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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/708,278 11/08/00 AIGNER

R GR 98 P 1686

EXAMINER

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MM91/0830

BUDD, M

ART UNIT

PAPER NUMBER

2834

DATE MAILED:

08/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 208248	Applicant(s) Aigner
Examiner M. Budd	Group Art Unit 2834

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- Responsive to communication(s) filed on \_\_\_\_\_  
 This action is FINAL.  
 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1-7 is/are pending in the application.  
 Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 Claim(s) 1-7 is/are allowed.  
 Claim(s) \_\_\_\_\_ is/are rejected.  
 Claim(s) \_\_\_\_\_ is/are objected to.  
 Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.  
 The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner  
 The specification is objected to by the Examiner.  
 The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

All  Some\*  None of the:

- Certified copies of the priority documents have been received.  
 Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
 Copies of the certified copies of the priority documents have been received  
in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 (2-13-01)  Interview Summary, PTO-413  
 Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152  
 Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

Art Unit: 2834

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 and 4-7 rejected under 35 U.S.C. 102(a) as being clearly anticipated by Mang, Yamada or Carson.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 rejected under 35 U.S.C. 103(a) as being unpatentable over Mang, Yamada or Carson in view of Arvanitis, Fujita or Von Dach.

Mang (fig. 4), Carson (fig. 4) and Yamada each teach the resonator structure except the layer over the top electrode doesn't have a pattern of holes. However, each of Arvanitis, Fujita and Von Dach teach adjusting the frequency via providing holes in the frequency adjusting layer. Thus it would have been obvious to one of ordinary skill in the art that Mang, Yamada or Carson could have holes in the uppermost layer.

Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Mang, Yamada or Carson in view of Tajima, Ochiai or Kawashima.

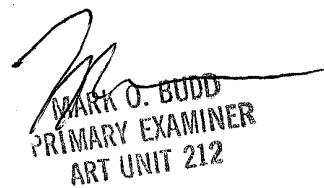
Art Unit: 2834

Mang, Yamada and Carson teach the resonator structure except the top layer is uniform. Each of Ochiani, Kawashima and Tajima teach it is well known to provide 'islands' of added material to adjust frequency. Thus to adjust the frequency of Mang, Yamada or Carson via addition of discreet islands of material would have been obvious to one of ordinary skill in the art.

Cited to show multi-frequency piezo device is Beaver.

Budd/tr

8/29/01



MARK O. BUDD  
PRIMARY EXAMINER  
ART UNIT 212